THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

Taken up Writ Petition No.2008 of 2007

Date: 12-02-2007

Between:

D.Mohan Rao,
Plot No.54, Sainagar Colony,
Poolbaugh Road,
Vizianagaram.

...
Petitioner/s

And

The Station House Officer,
Koyalagudem Police Station,
West Godavari District and another.

...
Respondent/s

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
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ORAL ORDER: (per the Hon'ble Sri Justice D.S.R. Varma)

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of the telegrams, dated 26-01-2005, from Sri D. Mohan Rao, Plot No.54, Sainagar Colony, Poolbaugh Road, Vizianagaram, addressed to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that his brother, namely Sri D.Muralidhar Rao, who is working as Cashier, Andhra Bank, K.Kannapuram Branch of West Godavari District, was illegally taken away by the Sub-Inspector of Police of Koyalagudem Police Station, West Godavari District, and he is apprehending danger to the life of his brother and set him at liberty forthwith.

3. The first respondent, Sub-Inspector of Police, Koyyalagudem Police Station, West Godavari District, filed a counter affidavit, stating *inter alia* that the allegations made in the telegram, dated 26-01-2007, are false, baseless and denied. It is stated that in connection with the Crime No.6 of 2007 registered for the offence under Sections 498-A and 506 (2) of I.P.C., by the Station House Officer, Koyyalagudem Police Station, basing on the complaint given by the wife of the alleged detenu on 24-01-2007, the accused in the above said

crime was arrested and was produced before the learned Judicial First Class Magistrate, Jangareddygudem, on the same day and by virtue of the orders of the learned Magistrate, the accused was kept in judicial custody and was lodged at Sub-Jail, Eluru. Subsequently, it appears, on 31-01-2007, the alleged detenu was enlarged on regular bail by the learned Magistrate, and hence, prays to dismiss the writ petition.

4. In view of the above, we do not find any necessity to pass any further orders in this writ petition.

5. Before parting with the case, we feel it expedient to observe that as and when certain allegations are leveled against a particular police officer, it is incumbent upon the superior officers, like Superintendent of Police of the concerned District, who is arrayed as one of the respondent in the writ petition, to see that appropriate enquiry is caused and file an affidavit independently before this Court, instead of allowing the same officer, against whom the allegations are made, to file an affidavit. Filing of an affidavit by the same officer, against whom the allegations are made, is no longer a healthy practice and in our considered view, it gives a wrong impression to the general public.

6. With the above observations, the writ petition is closed. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE P.LAKSHMANA REDDY

12-02-2007.

NOTE: Registry is directed to mark a copy of this order to the Superintendent of Police, West Godavari District at Eluru.

(B/O)

Msr.

THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
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(Msr)